

CCDLA  
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March 20, 2015

Senator Eric Coleman, Co-Chair  
Representative William Tong, Co-Chair  
Judiciary Committee  
Room 2500, Legislative Office Building,  
Hartford, CT 06106

**Re: Testimony in support of Senate Bill 1065 - AN ACT CONCERNING THE  
RECORDING OF POLICE ACTIVITY BY THE PUBLIC.**

Dear Senator Coleman, Representative Tong and Committee Members:

The CCDLA is a not-for-profit organization of approximately three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, the CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, the CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

The CCDLA urges this committee to **vote favorably on SB 1065**. This bill codifies the right of a citizen of Connecticut to photograph or video-record any peace officer, while that officer is in public and engaged in the performance of his or her duties.

The act of recording a law enforcement officer in public who is engaged in the performance of his or her official duties is an act or expression that is **clearly protected by the First Amendment**. Audio and audiovisual recording are media of expression commonly used for the preservation and dissemination of information and ideas and thus are "included within the free speech and free press guaranty of the First and Fourteenth Amendments." Burstyn v. Wilson, 343 U.S. 495, 502 (1952).<sup>1</sup>

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<sup>1</sup> ACLU v. Alvarez, 679 F. 3d 583 (7th Cir. 2012)(finding that Illinois' statute barring any photography of a police officer engaged in the performance of his duties violates the First Amendment).

In addition, this bill is important because it **gives notice** to all law enforcement agencies throughout the state that photography is not a crime, and should not be interfered with, as long as the photographer is not impeding the officer in the performance of his or her duties. This bill, while providing for civil penalties, would serve to ensure that law-abiding citizens exercising their First Amendment right are not illegally detained or arrested by law enforcement officials who are unaware of this Constitutional guarantee.

As this committee is no doubt aware, in recent years there has been a drastic increase in the awareness of police misconduct fueled in large part by the ability of innocent bystanders to film and broadcast the incidents to the country at large. Were it not for the right of these bystanders to record acts of violence and misconduct by rogue police officers, these injustices would have gone unnoticed and buried.<sup>2</sup> There seems to be a growing consensus in the country that everyone should have the right to record and share recordings of police officers performing their duties while in public spaces. This bill would **bring greater transparency** to interactions of law enforcement officials with the people they are sworn to protect and serve.

This bill would in no way harm public safety or security, because it explicitly carves out exceptions for law enforcement officials who believe that interfering with recording would protect public safety, maintain the integrity of a crime scene or safeguard the privacy of a victim.

There can be nothing more fundamental than the right of a Connecticut citizen to freely record on a public street the actions of a public servant engaged in public service. This bill would codify that right and ensure that police are on notice of this right and protect law-abiding citizens from being falsely arrested.

For the foregoing reasons, the CCDLA **supports SB 1065**.

Respectfully submitted,  
Tejas Bhatt  
Executive Board Member  
CCDLA

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<sup>2</sup> For a recent listing of police officers confiscating and destroying video recordings of their actions by bystanders see <http://photographyisnotacrime.com/blog/category/the-cops/recording-the-police/>